



UNITED STATES PATENT AND TRADEMARK OFFICE

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JUL 14 2003

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OFFICE OF THE DIRECTOR
TC 3800

In re Application of
Kenichi Satou
Application No. 10/091,470
Filed: March 7, 2002
For: BUMPER STRUCTURE

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:
DECISION ON PETITION
TO WITHDRAW THE
HOLDING OF ABANDONMENT
:

This is in response to applicant's petition to withdraw the holding of abandonment under 37 CFR 1.181 filed in the United States Patent and Trademark Office (USPTO), on June 16, 2003.

The petition is **DISMISSED**.

A review of the file record reveals that an Office action was mailed to applicant on October 30, 2002. Since a response was not received before the expiration of the six month statutory period for reply, the application was held abandoned, although a Notice of abandonment has yet been mailed.

Applicant submits that the front cover of the file jacket indicates non-receipt of any Office action and provides copies of docket reports presumably to take advantage of the procedure outlined in 1156 O.G. 53 and MPEP 711.03(c) for withdrawing an abandonment in an application having a non-received Office correspondence.

There is a strong presumption that Office communication properly addressed and delivered to the United States Postal Services, was in fact delivered to the addressee. An allegation that the Office communication was not received must be overcome by a showing that it was not received.

The showing required to establish non-receipt of an Office communication must include all of the following requirements:

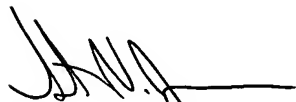
- (1) A statement from the practitioner stating the Office communication was not received by the practitioner;
- (2) A statement attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received; and
- (3) A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

The docket records indicated above must include a copy of the list of all responses in the practitioner's office with the due date of January 30, 2003. See Notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 OG 53 (November 16, 1993). The petitioner has failed to comply with requirements (1) and (2) indicated above.

Specifically, the petition fails to include a statement from the practitioner stating the Office communication was not received by the practitioner and a statement attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.181."

Correspondence with respect to a Petition to Withdraw the Holding of Abandonment under *Delgar Inc. v. Schuyler* should be mailed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



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SNM/tpl: 7/11/03